

Serial No. 10/627,983
Docket No. T36-158111M/RS
(NGB.274)

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REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and places the present application in condition for immediate allowance.

Claims 1-5 and 11-17 are all the claims presently pending in the application.

Applicant gratefully acknowledges that **claims 6-11 and 13-17** would be allowable if rewritten in independent form.

While Applicant believes that all of the claims are in condition for allowance, to speed prosecution, independent claim 1 has been amended to incorporate the features of allowable claim 6.

Claims 2-5 and 11-13 correspondingly have been amended in accordance with the incorporation of the features of allowable claim 6 into claim 1.

Claims 6-10 also correspondingly have been canceled without prejudice or disclaimer.

Allowable claim 11 has been amended merely to change "*radiated*" to "*irradiated*", and allowable claim 17 has been amended merely to change "*spectrascope*" to "*spectroscope*", in accordance with the Examiner's suggestion.

No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

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I. THE PRIOR ART REJECTION

With respect to the prior art rejection, claims 1-5 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shmagin et al. (U.S. Patent No. 5,875,052; hereinafter "Shmagin").

Applicant submits, however, that the amendments set forth above incorporate the features of allowable claim 6 into claim 1, thereby rendering this rejection moot.

Therefore, the Examiner is requested to withdraw this rejection.

II. FORMAL MATTERS

The Office Action objects to the Title of the invention. The Title has been amended in accordance with the Examiner's suggestion. Therefore, the Examiner is requested to reconsider and withdraw this objection.

The Office Action also objects to allowable claims 11 and 17 based on informalities. Applicant has amended allowable claim 11 to change "*radiated*" to "*irradiated*", and allowable claim 17 to change "*spectrascope*" to "*spectroscope*", in accordance with the Examiner's suggestion. Therefore, the Examiner is requested to reconsider and withdraw this objection.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-5 and 11-17, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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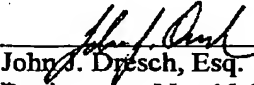
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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: October 21, 2005



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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Frederick F. Rosenberger, Art Unit 2878, on October 21, 2005.


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